

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TILSA FERNANDEZ,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:23-cv-16313
)	
CENTRAL STATES PENSION FUND)	Honorable Sharon Johnson Coleman
)	
Defendant.)	
)	
)	
)	
)	

**DEFENDANT’S MOTION TO CLARIFY DEADLINE TO ANSWER OR OTHERWISE
RESPOND TO THE COMPLAINT AND ANY AMENDMENT**

Defendant Central States Pension Fund (“Central States” or “Defendant”), through its undersigned counsel, files this Motion seeking clarification of the time within which it must answer or otherwise respond to the Complaint in the instant matter. In support Defendant states as follows:

1. Plaintiff filed her Complaint against Defendant on November 27, 2023.
2. On February 6, 2024, Defendant filed its Motion to Dismiss the entirety of the Complaint (Doc. No. 11).
3. After full briefing, the Court issued a Memorandum Opinion and Order on September 17, 2024, granting in part and denying in part Central States’ motion. (Doc. No. 25).
4. In dismissing Plaintiff’s national origin discrimination and retaliation claims the Court granted Plaintiff leave to amend the Complaint within 30 days (so by October 17, 2024) “[i]f Plaintiff believes in good faith that she can cure the deficiencies identified in this Opinion.”

5. In light of the time granted Plaintiff to amend the Complaint, Defendant seeks clarification as to the date by when it must answer or otherwise respond to the Complaint or any Amended Complaint.

6. Pursuant to Federal Rule of Civil Procedure 12(a)(4)(A), in the event Plaintiff does not amend the Complaint by October 17, 2024, then Defendant believes its answer is due by October 31, 2024. In the event Plaintiff does amend the Complaint, then pursuant to Rule 12(a)(1)(A)(i) Defendant believes its answer or other responsive pleading would be due 21-days after such Amended Complaint is filed.

WHEREFORE, because the Memorandum Opinion and Order gave Plaintiff discretion to amend the Complaint within thirty days but did not expressly state whether Defendant should wait for Plaintiff to amend the Complaint or not before filing an answer or other responsive pleading, Defendant respectfully requests that the Court clarify the date by when Defendant must file an answer or other responsive pleading to the Complaint or any Amended Complaint.

Dated: September 20, 2024

Respectfully submitted,

CENTRAL STATES PENSION FUND

By: /Michael S. Ferrell/
Michael S. Ferrell, one of its attorneys

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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that on this 20th day of September, 2024, he caused a copy of the foregoing Defendant's Motion to Clarify Deadline to Answer or Otherwise Respond to the Complaint and Any Amendment to be electronically filed with the Clerk of the U.S. District Court, Northern District of Illinois, using the CM/ECF (electronic case filing) system, which sent notification of such filing to the following ECF participants, via e-mail:

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/s/ Daniel R. Simandl
Attorney for Defendant